1957.

File No. Housing Bds II/57(N)

Legal Deptt
B BRANCH

Subject:— Notifications under the Bom. Housing Boards Act, 1948

P-4
B

File No. Housing Bds II/57 (N)

Gen. 194 e.

220-B

Legal Department.

The draft notification on page 5 ante, as amended is in order.

Id/-
dt/- 30/1/

Additional Secretary to Government.

U.R. to L & H.D. No. 1872 , dated the 31st January 1951.

V.V.K. 9/7/56/

5C.

No.
Labour and Housing Department.
Bombay Castle, _____ 1951.

ORDER.

BOMBAY HOUSING BOARD ACT. 1948.

Whereas the Government of Bombay has sanctioned schemes for the housing of displaced persons in the State, herein after referred to as the said schemes.

And whereas the Government of Bombay has entrusted to the Bombay Housing Board constituted under Section 3 of the Bombay Housing Board Act,1948 (Bom. LXIX of 1948) , the work of execution of the said schemes ,

Now, therefore, in exercise of the powers conferred by section 41A of the Bombay Housing Board Act, 1948(Bom. LXIX of 1948) , the Government of Bombay is pleased to exempt the said schemes from the provisions of sections 26 to 33 (both inclusive) of the said Act subject to the following conditions namely :-

The Board shall prepare detailed plans and estimates of cost in respect of any work proposed to be executed by it in connection with the said schemes and submit them to Government for prior approval,

Where the work proposed to be executed is in the opinion of the Board of an urgent nature, the Board may execute the work in anticipation of the approval of Government to the plans and estimates, after obtaining previous sanction of Government to the execution of such work.

By order of the Governor of Bombay

SECRETARY TO GOVERNMENT.

V.V.K. 10/7/56/

5C.

Office of the R.L.A.

It is not legally possible to issue a direction under section 73A of the Bombay Housing Board Act, 1948 , as proposed on page 119 requiring the Board to make any particular regulation. Section 73A empowers the State Government to give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of the Act. Under that section it will be possible to the State Government to require the Board to make regulations in general under section 67, but that section cannot be pressed into service for requiring the Board to make any particular regulation. The power to make regulations is vested in the Board under section 67. Under that section the Board is empowered to make, with the previous sanction of the State Government, regulations for the matters specified therein. Since the regulations can be made only with the previous sanction of the State Government , it it would be open to the State Government to withhold sanction to the regulations and return the same to the Board and inform the Board that Government will not be prepared to sanction them unless they are modified in the manner suggested by them . But no directions can be issued under section 73A requiring the Board to make any particular regulation. Althouth the Board cannot be directed to make a regulation in a particular form, a separate direction can be given to the Board that subject to the general supervision of the ~~Estate of the Board and~~ chairman, the Housing Commissioner shall be in charge of the estate of the Board and

its management for which purpose the Estate manager and the staff appointed by the Board for the work of the Estate management shall be directly under his control .

Id/-
dt/- 13/7/

Remembrancer of Legal Affairs.

U.R.to L.H.D. No.. 13008 , dated the 13th August 1951.

V.V.K. 9/7/56/

5C-